

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: July 15, 2008

REPORT NO.: PC-08-023

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: Appeal of Mesa College Drive Amendment - Project No. 139300

COUNCIL DISTRICT(S): 6

STAFF CONTACT: Helene Deisher, Project Manager 619-446-5223

hdeisher@sandiego.govREQUESTED ACTION:

Appeal of the Planning Commission's decision to approve Site Development Permit No. 485233 an amendment to Site Development Permit No. 324476, which modified mitigation measures to remove the requirement of a left turn lane on Mesa College Drive at Ashford Street.

STAFF RECOMMENDATION:

Deny the appeal and uphold the Planning Commission's decision to approve Site Development Permit No. 485233.

EXECUTIVE SUMMARY:

On January 8, 2007, the City Council approved Site Development Permit No. 324476 in association with the Mesa College Street Vacation. Subsequent to the City Council's approval of the project, a study determined that implementation of the proposed left turn lane within the existing Mesa College Drive right-of-way would result in substandard lane widths and the removal of the existing curbside parking. Furthermore, it was determined that an expansion of the right-of-way to accommodate standard lane widths would impact the Kearny Mesa High Educational Complex.

In researching the source of the mitigation measure, it was determined that the following language appeared in the revised traffic study, dated September 28, 2005 (Section VIII), that was not included in the April 15, 2005 study.

In order to provide more capacity and improved circulation on Mesa College Drive for the interim and future conditions, it is recommended that the project provide an eastbound left turn lane on Mesa College Drive at Ashford Street. This improvement would increase capacity and safety at this intersection.

This language was carried forward in subsequent traffic study revisions and was also included in subsequent MND's dated June 28, 2006 and September 1, 2006 as a mitigation measure. According to the traffic study prepared for the Mesa College Facilities Master Plan by Darnell & Associates, dated June 27, 2006, the intersection of Mesa College Drive and Ashford Street currently operates and will continue to operate at Level of Service "A" during both AM and PM peak hours. The analysis includes data for existing and future conditions with and without the parking structure project.

Also, according to the traffic study, Mesa College Drive between Armstrong Street and Ashford Street currently operates as Level of Service "B" under existing conditions. The

roadway segment is expected to operate at Levels of Service "B" and "C" in the 2010 and 2030 scenarios with or without the proposed parking structure.

The San Diego Community College District and City staff concur that the mitigation measure could be deleted from the MND and the MMRP based on the analysis in the traffic study using the City's CEQA thresholds for significant impacts.

On March 6, 2008, the Planning Commission voted to approve Site Development Permit No. 485233, an amendment to Site Development Permit No. 324476 and modify the mitigation to remove the requirement of a left turn lane on Mesa College Drive at Ashford

On March 17, 2008, the Planning Commission's decision was appealed by the "Grandmothers" on the basis of new or different impacts not reviewed or considered by the environmental document.

FISCAL CONSIDERATIONS:

All costs associated with the project including this appeal are being paid for by the applicant, the San Diego Community College District.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On January 8, 2007, the City Council approved Site Development Permit No. 324476, a Multi-Habitat Planning Area Boundary Line Adjustment, Street Vacation of the western end of Mesa College Drive and the sale of 2.69 acres of land to the San Diego Community College District to construct a parking garage.

On March 6, 2008, the Planning Commission voted to approve Site Development Permit No. 485233.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

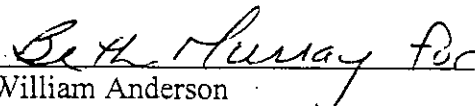
On October 16, 2007, the Clairemont Mesa Planning Committee voted 10-3-0 to recommend approval of the amendment to delete the requirement for a dedicated left turn lane.

On November 26, 2007, the Linda Vista Planning Committee voted 9-2-1 to recommend denial of the amendment to delete the mitigation requirement, however specific reasons were not provided in their meeting.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The San Diego Community College District, Students of Mesa College, the Clairemont Mesa and Linda Vista Communities, Kearny Villa Park, Kearny Mesa High Educational Complex and the City of San Diego.


Kelly Broughton
Director, Development Services Department


William Anderson
Deputy Chief Operating Officer:
Executive Director of City Planning
and Development

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ATTACHMENTS:

- 1.) Report to the Planning Commission March 6, 2008 (Report No. PC-08-023)
which includes the original report to the Planning Commission July 13, 2006 (PC-06-177).
- 2.) Addendum to Mitigated Negative Declaration SCN# 2005121106

PLANNING COMMISSION RESOLUTION NO. 4379-PC
SITE DEVELOPMENT PERMIT NO. 485233
MESA COLLEGE DRIVE AMENDMENT PROJECT NO. 139300

WHEREAS, SAN DIEGO COMMUNITY COLLEGE DISTRICT, Owner/Permittee, filed an application with the City of San Diego for an amendment to Site Development Permit No. 324476 (conditions number 9, 10, 11) to reference the Addendum to Mitigated Negative Declaration State Clearing House No. 2005121106 which modifies the previous Mitigation Monitoring and Reporting Program. The modification removes the mitigation requirement for an eastbound turn lane on Mesa College Drive at Ashford Street

WHEREAS, the project site is located at 7250 Mesa College Drive in the RS-1-7 zone of the Clairemont Mesa Community Plan area;

WHEREAS, the project site is legally described as all that portion of Pueblo Lot 1203 of the Pueblo Lands of San Diego according to map thereof made by James Pascoe in 1870, a copy of which filed November 14, 1921 and known as miscellaneous map number 36;

WHEREAS, on March 6, 2008, the Planning Commission of the City of San Diego considered Site Development Permit No. 485233 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on March 6, 2008 the Planning Commission of the City of San Diego acknowledged that the City of San Diego as the responsible agency under the California Environmental Quality Action (CEQA) has reviewed and considered the Addendum to Mitigated Negative Declaration prepared by the San Diego Community College District and adopted the Mitigation, Monitoring and Reporting Program; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated March 6, 2008

FINDINGS:

1. **The proposed development will not adversely affect the applicable land use plan.**

The project requires a Site Development Permit for proposed grading within environmentally sensitive lands for the development of a parking garage and improved east campus entry to Mesa College, as part of the Mesa College Facilities Master Plan. The project was approved by City Council on January 8, 2007. As part of that action, the City Council also adopted a Mitigation, Monitoring and Reporting Program (MMRP). The MMRP included a traffic mitigation measure requiring an eastbound turn lane on Mesa College Drive at Ashford Street. The scope of the original project approval has not changed.

The existing Mesa College campus and a major portion of the proposed campus expansion are located within the Clairemont Mesa Community Plan, which was adopted in 1989 and amended in January 1999. A portion of the campus expansion is also located within the Linda Vista Community Plan, which was adopted in 1998 and amended in January 1999.

The impact of the Mesa College Facilities Master Plan, grading, and the parking facility at the intersection of Mesa College Drive at Ashford Street is not significant under the City's CEQA Significance Determination Thresholds and does not require mitigation. This amendment to remove the mitigation requirement for the eastbound turn lane on Mesa College Drive to Ashford Street does not impact the Clairemont Mesa and Linda Vista Community Plans and the City's Progress Guide and General Plan. The original project has been designed to be consistent with the Clairemont Mesa and Linda Vista Community Plans and the City's Progress Guide and General Plan and implements their plan, goals and policies, and therefore will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The project requires a Site Development Permit for proposed grading within environmentally sensitive lands for the development of a parking garage and improved east campus entry to Mesa College, as part of the Mesa College Facilities Master Plan. The project was approved by City Council on January 8, 2007. As part of that action, the City Council also adopted a Mitigation, Monitoring and Reporting Program (MMRP). The MMRP included a traffic mitigation measure requiring an eastbound turn lane on Mesa College Drive at Ashford Street. The scope of the original project approval has not changed.

The impact of the Mesa College Facilities Master Plan project at the intersection of Mesa College Drive at Ashford Street is not significant under the City's CEQA Significance Determination Thresholds and does not require mitigation. Therefore, removing the mitigation would not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code.

The project requires a Site Development Permit for proposed grading within environmentally sensitive lands for the development of a parking garage and improved east campus entry to Mesa College, as part of the Mesa College Facilities Master Plan. The project was approved by City Council on January 8, 2007. As part of that action, the City Council also adopted a Mitigation, Monitoring and Reporting Program (MMRP). The MMRP included a traffic mitigation measure requiring an eastbound turn lane on Mesa College Drive at Ashford Street. The scope of the original project approval has not changed. The original project has been designed to comply with the regulations of the Land Development Code, as allowed through a Site Development Permit.

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BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission for Site Development Permit No. 485233, is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 485233, a copy of which is attached hereto and made a part hereof.

Helene Deisher
Development Project Manager
Development Services

Adopted on: March 6, 2008

Job Order No. 42-3913

cc: Legislative Recorder, Planning Department

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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-3913

Site Development Permit No. 485233
MESA COLLEGE DRIVE AMENDMENT
Project Number 139300
Amendment to Site Development Permit 324476

This Site Development Permit No. 485233 to amend Site Development Permit No. 324476, is granted by the Planning Commission of the City of San Diego to SAN DIEGO COMMUNITY COLLEGE DISTRICT, Owner/ Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0502. The 86.83 acre campus site is located at 7250 Mesa College Drive in the RS-1-7 zone of the Clairemont Mesa Community Plan area. The project site is legally described as all that portion of Pueblo Lot 1203 of the Pueblo Lands of San Diego according to map thereof made by James Pascoe in 1870, a copy of which filed November 14, 1921 and known as miscellaneous map number 36.

Subject to the terms and conditions set forth in this Permit, permission is granted to SAN DIEGO COMMUNITY COLLEGE DISTRICT, Owner/Permittee to amend Site Development Permit No. 324476 (conditions number 9, 10, 11) to reference the Addendum to Mitigated Negative Declaration State Clearing House No. 2005121106. No other changes to SDP 324476 are authorized with this permit.

The Addendum shall modify the previous Mitigation Monitoring and Reporting Program to delete the following condition only. All other conditions and requirements remain in full effect:

An eastbound turn lane on Mesa College Drive at Ashford Street shall be provided for interim and future conditions.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the

SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. No activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder;
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department. All rights, responsibilities and obligations granted under Site Development Permit No. 324476 shall remain in full force and effect, except as provided herein.
4. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
5. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
6. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

7. Mitigation requirements are tied to the environmental document, specifically the Addendum Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.
8. As conditions of Site Development Permit No. 485233, the mitigation measures specified in the MMRP and outlined in the Mitigated Negative Declaration, State Clearing House Number 2005121106 Addendum dated August 7, 2007 shall be noted on the grading plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.
9. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the Addendum to Mitigated Negative Declaration, State Clearing House Number 2005121106 satisfactory to the Development Services Department and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:
 - a.) Biological Resources
 - b.) Traffic

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Planning Commission of the City of San Diego on March 6, 2008
Resolution No. 4379-PC.

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AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

By _____
Helene Deisher

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

San Diego Community College District
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
MARCH 06, 2008
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING

Item no. 9

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:07 a.m. Commissioner Schultz adjourned the meeting at 3:27 pm.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz - present
Vice-Chairperson - Vacant
Commissioner Robert Griswold - present
Commissioner Gil Ontai - present
Commissioner Dennis Otsuji - present
Commissioner Eric Naslund - present
Commissioner Mike Smiley - present

Staff

Andrea Dixon, City Attorney - present
Mary Wright, CP & CI - present
Mike Westlake, Development Services Department - present
Elisa Contreras, Recorder - present
Chandra Jones, Recorder - present

PLANNING COMMISSION MINUTES FOR MARCH 06, 2008

AS STATED: THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE (LAND DEVELOPMENT CODE SECTION 125.0440.e AND STATE MAP ACT SECTION 66474(f)). Second by Commissioner Griswold. Passed by a vote of 5-1-1 with Commissioner Smiley voting nay and one vacancy

Break

10:17-10:30

ITEM -8: 4366 UTAH TENTATIVE MAP-PROJECT NO. 85096

Staff: Renee Mezo

Speaker slips in favor of the project Vernon Franck, Kim Conant

No speaker slips in opposition

COMMISSION ACTION:

CONSENT MOTION BY COMMISSIONER OTSUJI TO APPROVE TENTATIVE MAP NO. 270325; AND APPROVE WAIVER TO THE REQUIREMENT TO UNDERGROUND EXISTING OVERHEAD UTILITIES. Second by Commissioner Naslund. Passed by a vote of 5-0-2. With Commissioner Griswold not present and one vacancy. Resolution No.4378-PC

✓ ITEM -9:*MESA COLLEGE AMENDMENT SITE DEVELOPMENT PERMIT-PROJECT NO. 139300

Staff: Helene Deisher

Speaker slips in favor of the project Dave Potter, Marie Rowson

Speaker slips in opposition Wayne Bamford, Dustin Young, Donna Erickson, Dixie L. Wilson

COMMISSION ACTION:

MOTION BY COMMISSIONER GRISWOLD TO APPROVE SITE DEVELOPMENT PERMIT NO. 485233. STATED FOR THE RECORD THAT THE CITY OF SAN DIEGO AS THE RESPONSIBLE AGENCY UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

PLANNING COMMISSION MINUTES FOR MARCH 06, 2008

(CEQA) HAS REVIEWED AND CONSIDERED THE ADDENDUM TO MITIGATED NEGATIVE DECLARATION PREPARED BY THE CITY OF SAN DIEGO COMMUNITY COLLEGE DISTRICT, AND RECOMMEND ADOPTING THE MITIGATION, MONITORING AND REPORTING PROGRAM.

APPROVE SITE DEVELOPMENT PERMIT NO. 485233. Second by Commissioner Naslund. Passed by a vote of 6-0-1 with one vacancy Resolution No. 4379-PC

ITEM -10: 1081 CAMINO DEL RIO SOUTH MAP WAIVER-PROJECT NO. 121239

Staff: Jeff Peterson

Speaker slips in favor in of the project Tom Mc Cabe

No speaker slips in opposition

COMMISSION ACTION:

CONSENT MOTION BY COMMISSIONER OTSUJI TO APPROVE SITE DEVELOPMENT PERMIT NO. 525399; AND APPROVE MAP WAIVER NO. 412077. Second by Commissioner Naslund. Passed by a vote of 5-0-2 with Commissioner Griswold not present and one vacancy Resolution No. 4380-PC

ITEM-11: FULTON STREET TENTATIVE MAP-PROJECT NO. 139290

Staff: Farah Mahzari

Speaker slips in favor in of the project Mike Contreras

No speaker slips in opposition

COMMISSION ACTION:

CONSENT MOTION BY COMMISSIONER OTSUJI TO APPROVE TENTAIVE MAP NO. 485209; INCLUDING THE REQUEST TO WAIVE THE REQUIREMENT TO UNDERGROUND EXISTING OVERHEAD UTILITIES. Second by Commissioner Naslund. Passed by a vote of 5-0-2 with Commissioner Griswold not present and one vacancy. Resolution No. 4381-PC

000389

CRAIG A. SHERMAN
LAW OFFICE OF CRAIG A. SHERMAN

1901 FIRST AVENUE, SUITE 335
SAN DIEGO, CA 92101-2311

SHERMANLAW@AOL.COM

202
09/15

TELEPHONE
(619) 702-7892

FACSIMILE
(619) 702-9281

July 18, 2008

*Via Facsimile and Email: cityclerk@sandiego.gov
Followed By Hand Delivery*

Hon. President and Councilmembers
CITY OF SAN DIEGO
202 C Street
San Diego, CA 92101-4155

Re: City Council Hearing: July 21, 2008; 2:00 p.m. Agenda
Comments on Mesa College Drive Amendment:
Additional New Information Regarding Environmental Impacts
Project No. PTS 139300

To the Hon. President and Members of the City Council of the City of San Diego:

These comments are presented on behalf of the public interest group *The Grandmothers* and other interested community groups and persons who reside, visit, use, and/or recreate in and near the subject project site.

The below comments are provided in response to both (1) recent information obtained that there are new and previously unknown and undisclosed environmental impacts which now necessitate re-study of major aspect of the entire project in a new CEQA document, and (2) the Notice of Public Hearing regarding consideration of amending Site Development Permit No. 485233.

New Information About Significant Environmental Impacts not Previously Studied; a New or Amended CEQA Document Should Now Re-Study Major Aspects of the Project

As the City should be aware, my clients have recent obtained information that the surveys conducted for the project by the San Diego Community College District (SDCCD) are substantially flawed. As it now appears, the project will substantially encroach into Kearny Mesa Park, not only for incidental grading, but for permanent loss of citizens' parkland, and destruction of city-qualifying heritage and landmark trees.

Based on faulty and incorrect information provided to the City of San Diego by the SDCCD, city-designated parkland stands to be forever impacted in a significant and adverse way.

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 CITY OF SAN DIEGO

Any permanent loss of parkland would be and is a violation of the City Charter § 55. In fact, my client recently filed a lawsuit for declaratory and injunctive relief against the City of San Diego on February 29, 2008 (S.D. Super. Ct., Case No. 37-2008-78918) to halt further encroachment and permanent park destruction.

The City has been duped by the SDCCD whereby faulty and unverified surveys have incorrectly shown where the college project would be, but the surveyors never verified, paid attention, and gave credence to the historic and firmly planted location of Kearny Mesa Park.

The resulting new, unforeseen, and previously undisclosed environmental impacts are numerous.

- (1) First, there are permanent impacts to city parks that were never anticipated, considered, or approved. The prior MND¹ clearly stated and concluded that "there would be no impacts to Kearny Mesa Park."
- (2) Second, a substantial number of large mature trees qualifying for designation as heritage or landmark trees under City's Municipal Code have already been removed. In the path of fenced and impending construction areas are yet additional trees to be lost. Anticipating no impacts to this park area, the prior CEQA document neither addressed the values of the environmental foliage, the types of trees to be impacted, and whether and how such historic designated trees can be mitigated.
- (3) Third, any permanent encroachment or loss of city parkland requires a vote of two-thirds of the electorate of the City of San Diego according to City Charter § 55. Additionally, encroachment of any of the area near or into the park for the construction and maintenance of a parking garage is forbidden by the City's current OP-2-1 and OP-1-1 zoning within the project area.

These violations of the City Charter and the City's Zoning Code (Municipal Code) were not previously known, not studied, and amount to new information that needs to be studied in a revised, amended or new appropriate CEQA environmental review document.

According to CEQA, after preparation of a negative declaration, subsequent or supplemental environmental review is required if any of the statutory triggers for preparation of a subsequent or supplemental EIR exist. (CEQA Guidelines § 15162(b); Cal. Pub. Res. Code § 21166) New notice, circulation and public review are required in the same manner as the prior adoption of a negative declaration (CEQA Guidelines § 15162(d)) or, as may prove necessary, an EIR.

¹ Mitigated Negative Declaration prepared pursuant to CEQA, Cal. Public Res. Code §§ 21000 et seq.

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In this case, the standards for further environmental review are met according to CEQA Guidelines § 15162(a)(1)(2)& (3) with new information not reasonably attainable before, and substantial changed conditions under which, the project is now being undertaken. Frankly speaking, how could anyone expect or believe a government entity's survey for a land conveyance be so flawed so as to give away irrevocably dedicated parkland? In this case, the survey proved to be unverified and not done in accordance with generally accepted and required surveying standards. It was not until grading and tree removal commenced that independent studies and surveys had to investigate the ongoing misconduct.

Common sense, fairness, protection of the public's rights and CEQA mandate that the college project be put on hold pending further environmental review, disclosures, and determinations.

Changes to Mitigation Measures After Project Approval are Disfavored; Removal of the Turn Lane Mitigation Measure Would Potentially Result in Significant Environmental Effects

The contemplated action to eliminate an important mitigation measure is a classic bait-and-switch action which was included in the initial project to satisfy and appease public concern. The project gained substantial favor and non-opposition because of such measure. Now, the mitigation measure and public amenity is being removed *after the project has gained momentum and been approved*. This was a concept and doctrine expressly denounced by the California Supreme Court in Laurel Heights Improvement Assn v. Regents of Univ. of Cal. (1988) 47 Cal.3d 376. With removal of the mitigation measure, the City of San Diego will now ultimately bear the costs of improving circulation and signalization when the SDCCD should be doing so in association with its project.

Notwithstanding the above principles of fairness and proper allocation of development costs, the elimination of the mitigation measure is wrong and not supported as a matter of law or fact. Personal observations and verifiable traffic data at the two most nearby intersections confirm that there are already significant traffic issues (LOS D and LOS E) around the subject intersection during school-related peak hours. Similar to the defective survey conducted by the SDCCD, the traffic studies are just as facially flawed. The traffic studies for the project were done on a day and/or time of day where little or no school traffic existed.²

² The traffic study's findings of LOS A and LOS B at the subject intersection are flawed because, as the study acknowledged, (1) there was no traffic delay going onto campus and there was ample parking, (2) the parking lot was half-full on the day observed, and (3) the traffic counts show vehicles *leaving* the campus is less than what *came onto* campus. Where do the remainder go? Do they have a secret way out? Additionally, if there is no traffic or crowded conditions during "peak" hours, what is the need for parking structure?

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While an ordinary peak traffic count might be 4:30 p.m., the college district's campus rush is between 2:30 p.m. and 3:30 p.m.. During such college peak-time, the traffic from the college, the Kearny Mesa Park and Kearny High School is backed up from Armstrong Street to Linda Vista Road. It moves so slow, it may take three traffic signal changes to get through one intersection. Cars get stuck in the number one lane at Ashford, making a left turn, which disables the number one lane. The number two lane is the only lane useable and is blocked at Linda Vista Road going to Highways 163 and 805. Other independent routine traffic counts conducted by SANDAG and City of San Diego support that an LOS A or LOS B peak hour conditions are untenable with intersections in either direction away from the subject proving LOS D and LOS E conditions are present.

The City Council should require the previously promised and required solution to an old problem which continues to get worse. Approval now will be paid by the College. If put off to a later date, the City will be responsible. Simple mechanics and engineering shows Ashford Street has a traffic signal and the street is wide enough for a left turn lane which could have painted lane separations, with no median,

My client strongly encourages the City to retain and not alter or eliminate the current turn lane mitigation measure. Doing so will only exacerbate traffic over both the current and projected traffic conditions. Such a removal will result in a potentially significant adverse effect under CEQA such that further environmental review (via a MND or EIR) and mitigation is warranted.

As will be further argued and presented verbally at the July 21, 2008 hearing on this matter, recirculation of the MND is also required under the facts and procedural history of the Project.

Final Remarks

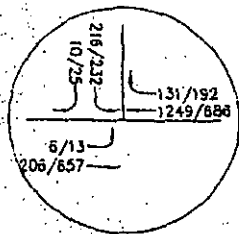
Thank you for considering the issues presented in this comment letter. Should you have any questions concerning any of the points raised herein, please do not hesitate to contact this office. For all future proceedings, please place my name and this office on the notification list for any administrative or legislative actions or hearings related to this SDCCD project.

Sincerely,

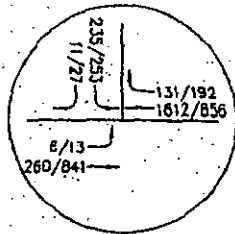


Craig A. Sherman

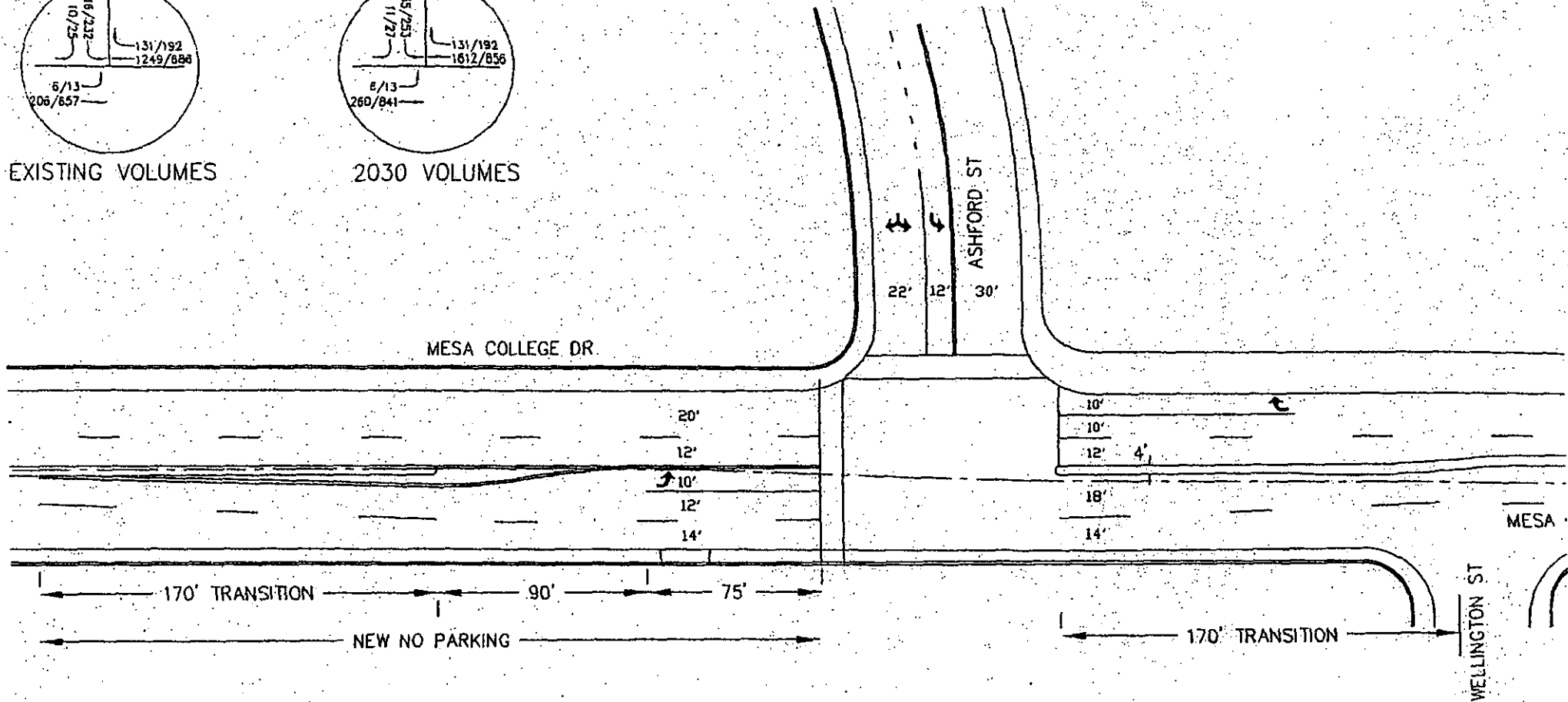
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EXISTING VOLUMES



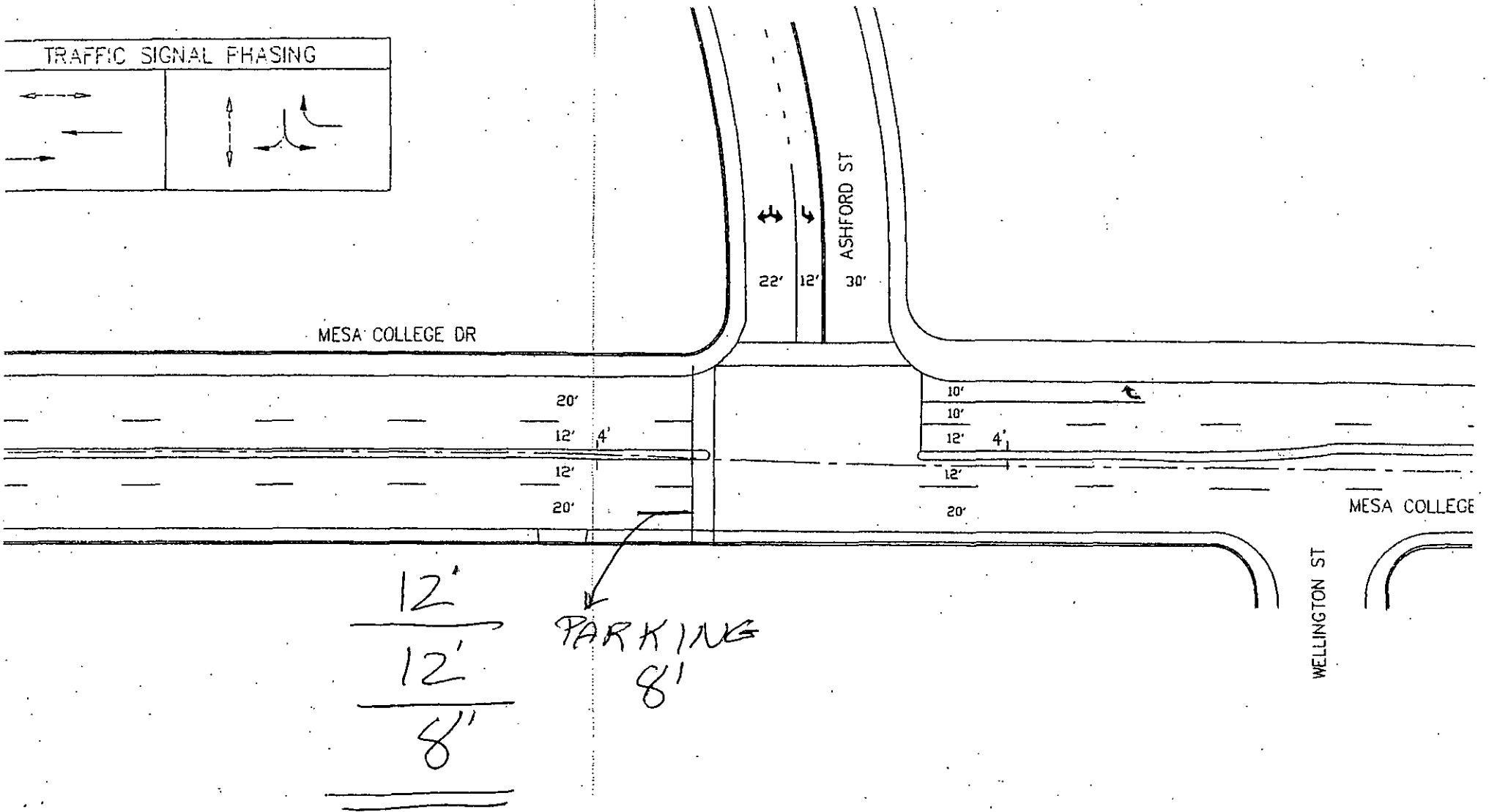
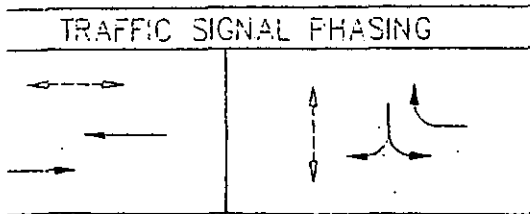
2030 VOLUMES



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FIGURE 2
INTERSECTION CONCEPT

20



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all & ASSOCIATES, INC.

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FIGURE 1
EXISTING CONDITIONS

Development Services Department
Project Management Section

**Mesa College Amendment
Appeal**
July 21, 2008
Project No. 139300
Community: Clairemont Mesa & Linda Vista
Development Project Manager: Helene Deisher
Review Team:
Kenneth Teasley- Environmental
Ann Gonsalves-Traffic

Development Services Department
Project Management Section

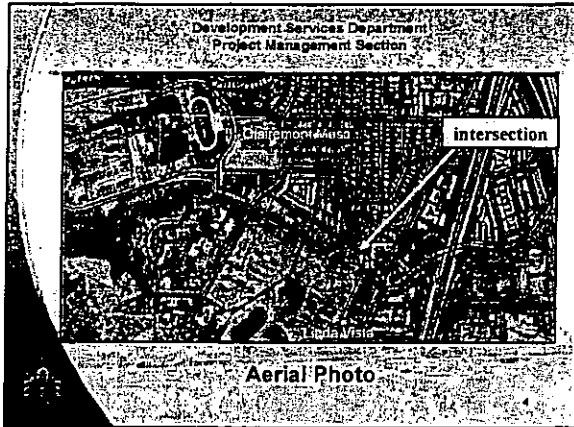
Appeal Scope

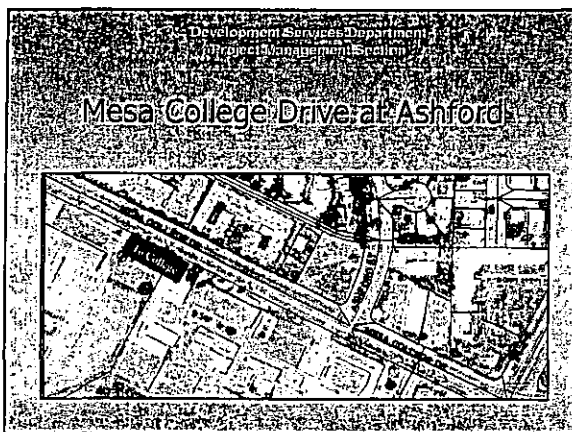
- Appeal of the approval of an Amendment to Site Development Permit No. 324476 to modify mitigation measures to remove the requirement of a left turn lane on Mesa College Drive at Ashford Street.

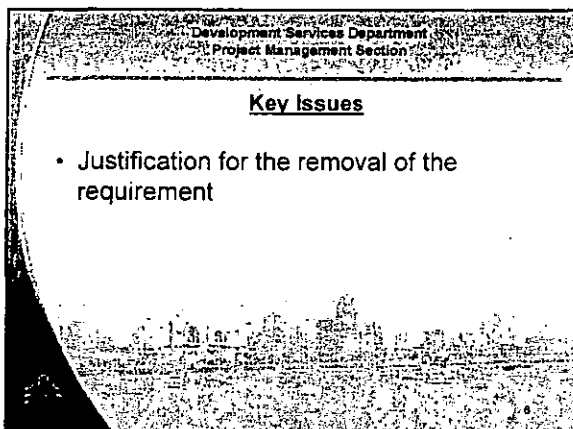
Development Services Department
Project Management Section

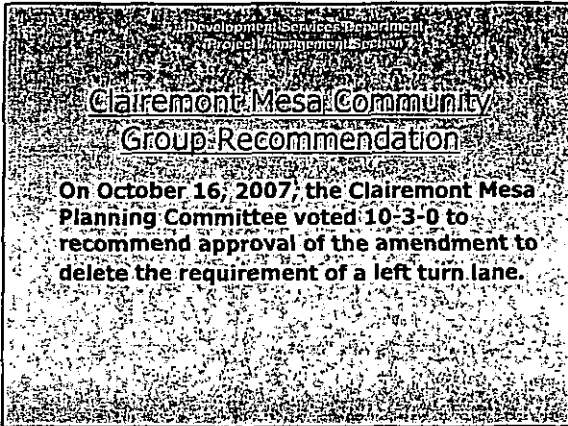
Previous Project approval

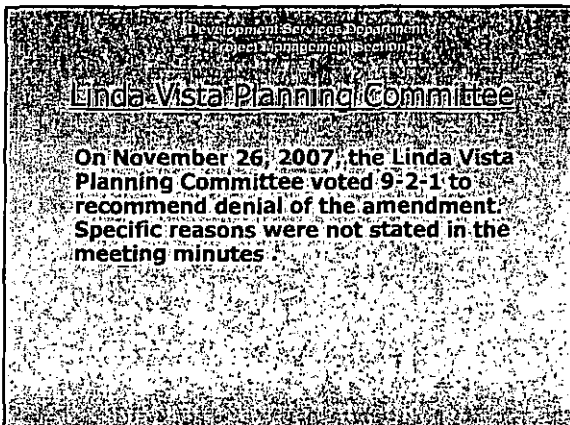
- On March 6, 2008, the Planning Commission voted 6-0 to approve Site Development Permit 485233, an Amendment to Site Development Permit No. 324476 which would modify mitigation measures to remove the requirement of a left turn lane on Mesa College Drive at Ashford Street.

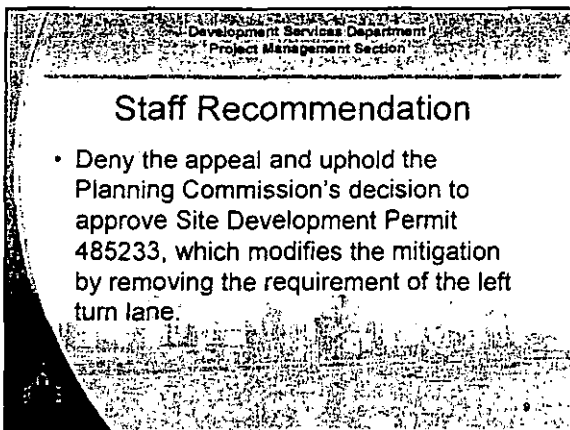












TRANSPORTATION

BACKGROUND

The transportation system in Linda Vista consists of vehicular, bicycle, pedestrian, and mass transit components. The transportation network services the internal Linda Vista community and links to the adjacent communities of Clairemont Mesa, Kearny Mesa, Serra Mesa, Mission Valley, Old Town, Mission Bay Park, and the regional freeway system.

The Linda Vista community is accessed by two freeways, Interstate 5, a major north-south freeway that runs parallel to the coast and State Route 163, a north-south freeway that connects downtown with the Interstate 15 corridor. Interstate 8, a major east-west freeway, is just to the south of the community. Figure 17 shows the existing functional street classifications in Linda Vista. A map depicting signalized intersections in Linda Vista is shown on Figure 18. The level-of-service (LOS) for congested intersections (defined as LOS D or worse) are shown on Figure 19.

Existing Roadway Network

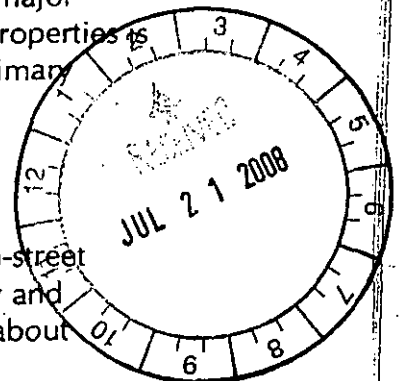
City streets are classified according to function and traffic volume. Collector streets, which provide moderate volume through traffic movement between local streets and higher street classifications, include Collusa Street, portions of Comstock Street, Glidden Street, Osler Street, Pacific Highway, Tait Street, portions of Ulric Street, and Via Las Cumbres.

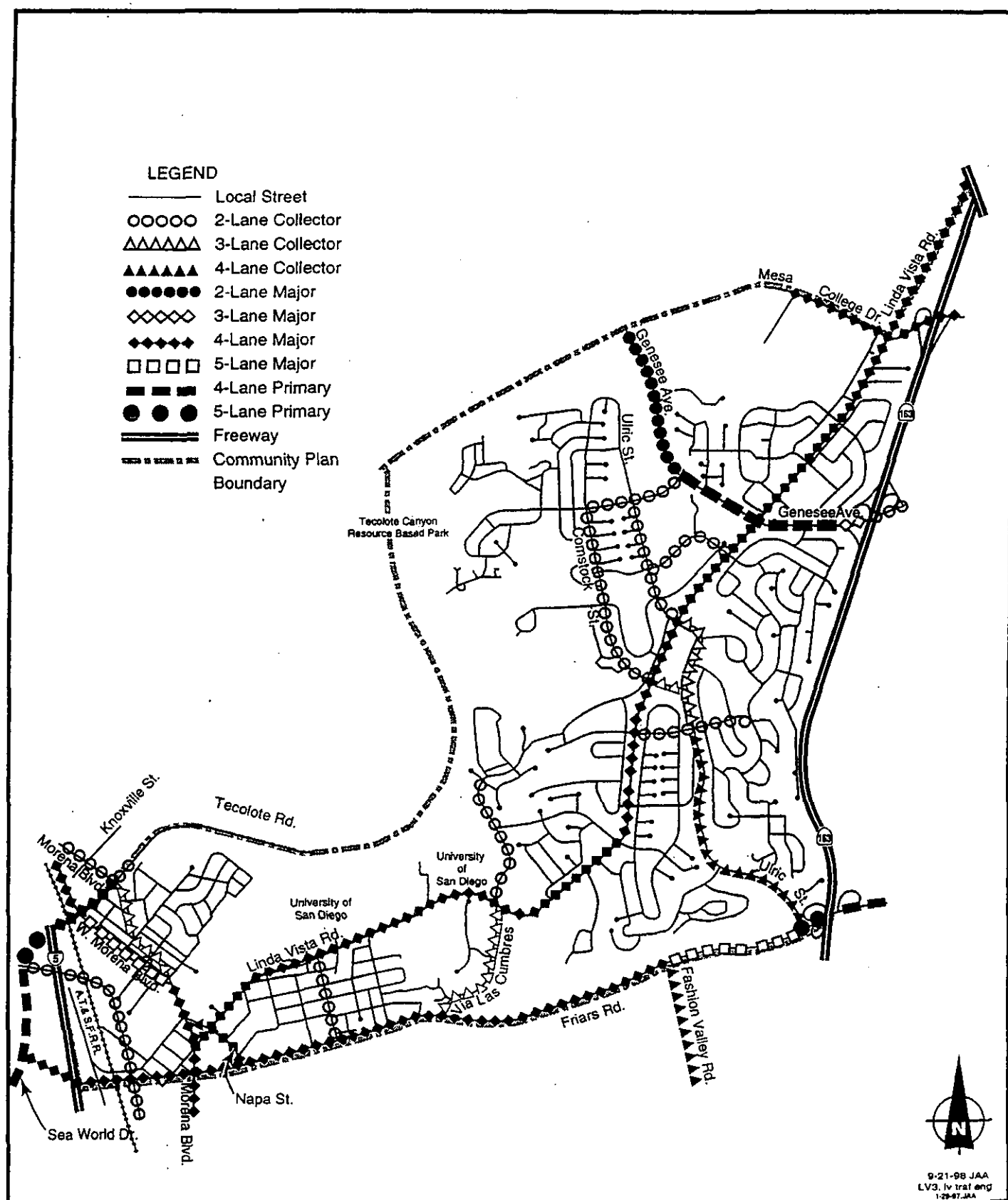
Major streets are designed to carry high volume through traffic, but allow for access from abutting properties and provide a connection between collector streets, primary arterials, and freeways. Streets in the community which are currently functioning as major streets are Friars Road, Genesee Avenue, Linda Vista Road, Mesa College Drive, Morena Boulevard, Napa Street, Tecolote Road, portions of Ulric Street, and West Morena Boulevard.

Primary arterials are designed to carry very large volumes of traffic from major streets and to connect to the freeway system. Direct access to abutting properties is generally not permitted. Friars Road at State Route 163 functions as a primary arterial.

Comstock Street

Comstock Street currently functions as a two-lane collector street with on-street parking. East of Linda Vista Road, it carries about 7,000 vehicles per day and has a curb-to-curb width of 54 feet. West of Linda Vista Road, it carries about





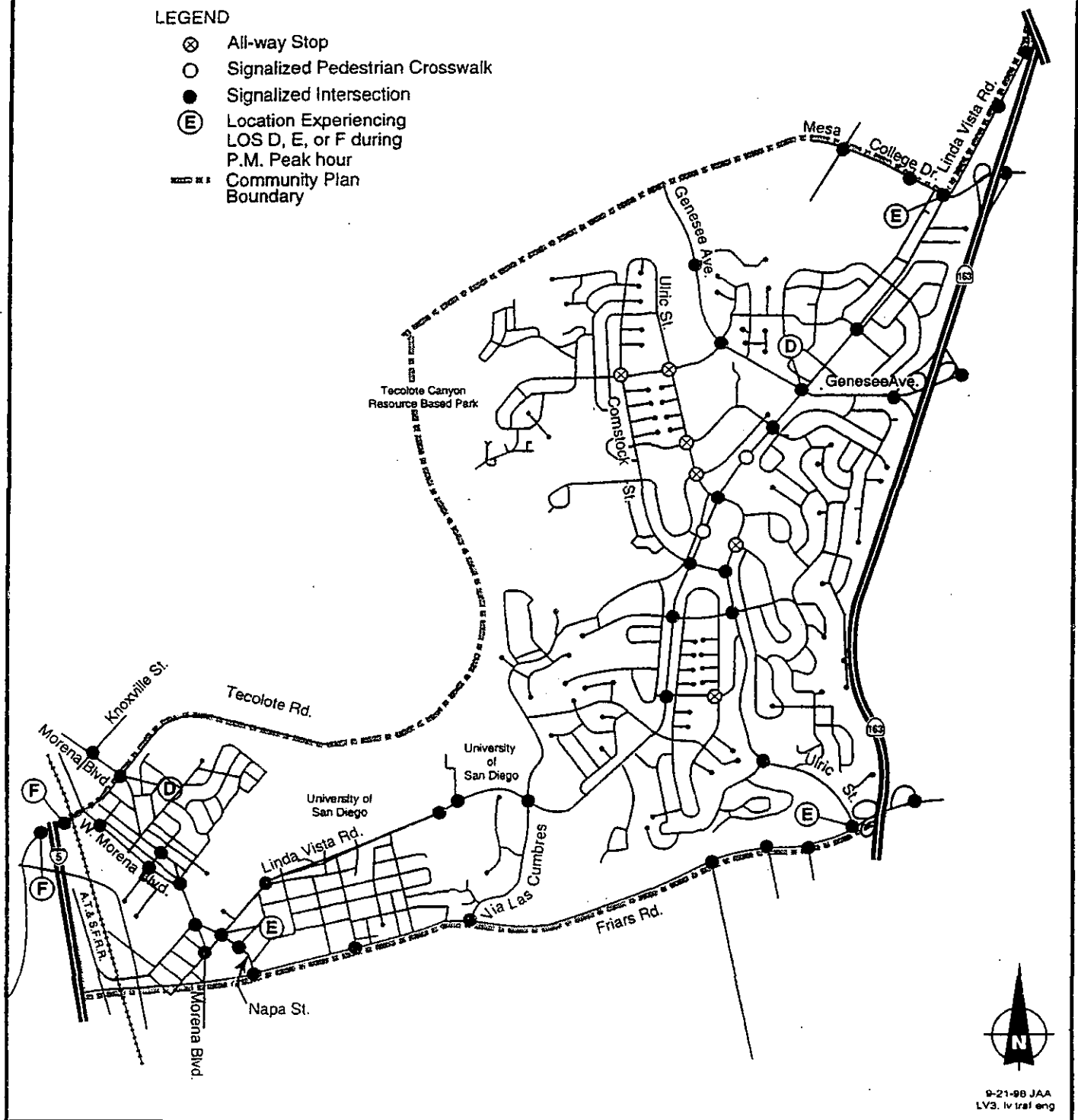
Existing Functional Street Classifications

Linda Vista Community Planning Area

City of San Diego • Community and Economic Development

Figure

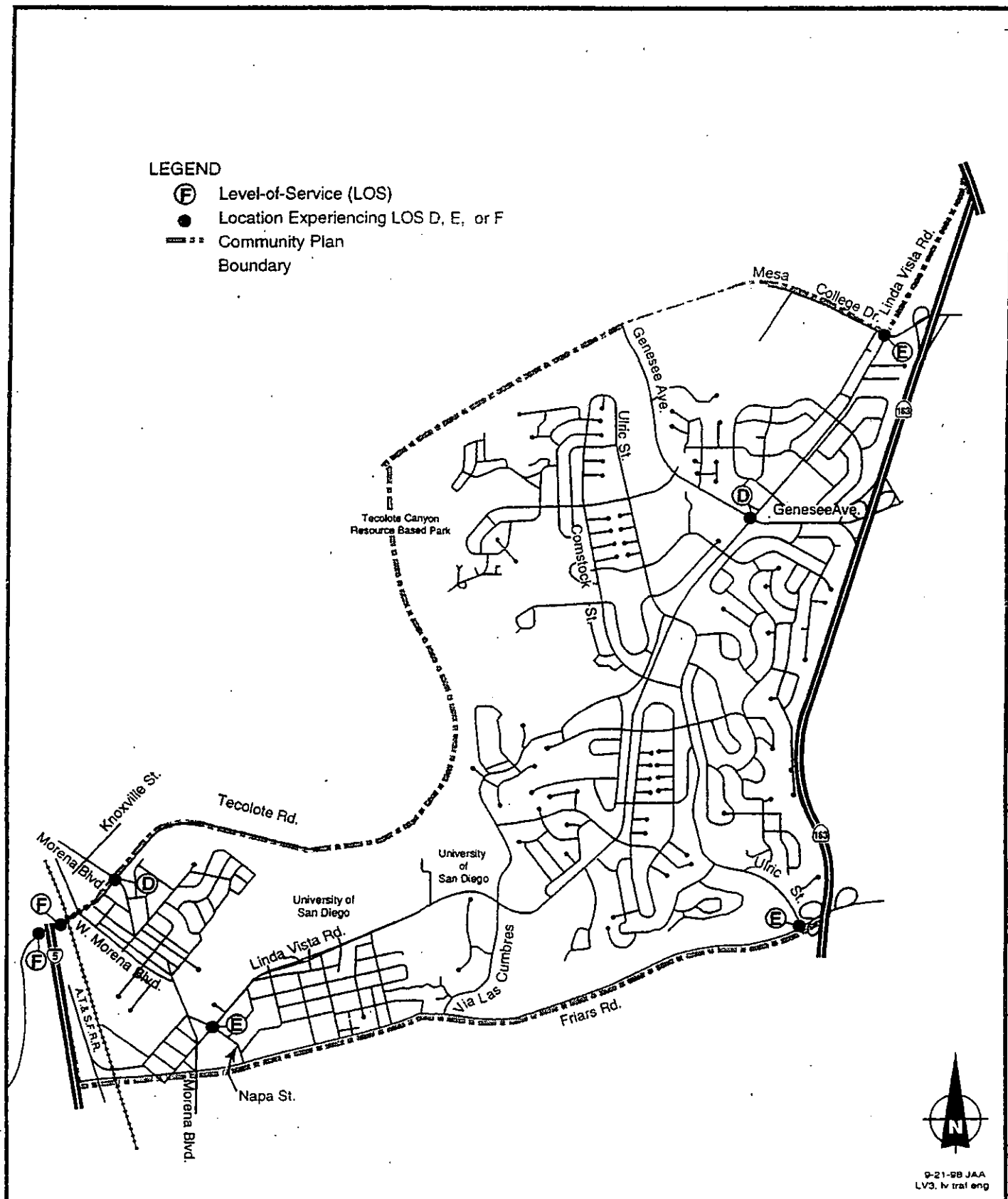
17



Existing Traffic Control Location Map Linda Vista Community Planning Area

City of San Diego • Community and Economic Development

Figure
18



**Selected Signalized Intersection
Existing Level-of-Service (P.M. Peak Hour)
Linda Vista Community Planning Area**
City of San Diego • Community and Economic Development

Figure
19

4,000 vehicles per day and has a curb-to-curb width of 40 feet. Business and civic buildings are served east of Linda Vista Road while residential properties are served west of Linda Vista Road. Traffic signals operate at the intersections with Linda Vista Road and with Ulric Street. Minimal congestion occurs at these intersections.

Friars Road

Friars Road operates as a four-lane major street from Sea World Drive to Ulric Street and a five-lane primary arterial from Ulric Street to State Route 163. It carries between 12,000 and 28,000 vehicles per day west of Fashion Valley Road with a width of about 90 feet. It carries about 50,000 vehicles per day east of Fashion Valley Road with a width of 90-106 feet. The abutting property is commercial on the south side between Fashion Valley Road and State Route 163, residential from east of Napa Street to Fashion Valley Road except for some commercial at Via Las Cumbres, and then various noncommercial uses west to Sea World Drive. Parking is permitted along the north side residential frontage and bicycle lanes are along the entire length on both sides.

Traffic signals operate at the intersections with Sea World Drive, Napa Street, Colusa Street, Via Las Cumbres, Fashion Valley Road, two driveways from Fashion Valley Shopping Center, and the Ulric Street/State Route 163 on- and off-ramps. Significant congestion occurs in the evening peak hour at the intersection with Ulric Road/State Route 163 southbound on- and off-ramps (LOS E).

Genesee Avenue

Genesee Avenue operates as a three-lane major street between the northbound and southbound State Route 163 ramps; a four-lane primary arterial from State Route 163 to Osler Street; and a two-lane major street from Osler Street to the northern community boundary. It carries about 20,000 vehicles per day west of Linda Vista Road. It has a width of 62 feet north of Osler Street and 78 feet from Osler Street to State Route 163. It carries about 28,000 vehicles per day between Linda Vista Road and State Route 163. The abutting property is mostly residential and does not have driveway access rights. Parking is permitted between State Route 163 and Osler Street. Bicycle lanes exist between Osler Street and the northern community boundary.

Traffic signals are located at the intersections with the State Route 163 southbound off-ramp, Linda Vista Road, and Osler Street and Park Mesa Way. Significant congestion occurs during the evening peak hour at the Linda Vista Road intersection (LOS E), and at the State Route 163 southbound ramp intersection (LOS D).

Linda Vista Road

Linda Vista Road operates as a four-lane major street from Morena Boulevard to the northern community boundary with Class II bike lanes and on-street parking north of Markham Street. It carries between 16,000 and 22,000 vehicles per day with a width that varies from about 64-73 feet south of Kramer Street and 73-82 feet north of Kramer Street. Abutting property between Morena Boulevard and Mildred Street is business frontage; from Mildred Street to Comstock Street is a mixture of school, business, and residential uses; from Comstock Street to Fulton Street is business frontage; from Fulton Street to the northern community boundary is mostly residential, with school and business uses as well.

Traffic signals are installed at the following intersections with Linda Vista Road: Morena Boulevard, Napa Street, Mildred Street, Marian Way, Santa Ana Drive, Via Las Cumbres, Kramer Street, Tait Street, Comstock Street, Ulric Street, Fulton Street, Genesee Avenue, Wheatley Street, Mesa College Drive, Baltic Street, and Stalmer Street. Mid-block pedestrian crosswalk traffic signals are located on Linda Vista Road between Comstock Street and Ulric Street and between Ulric Street and Fulton Street. Significant congestion occurs in the evening peak period at Napa Street (LOS F), Genesee Avenue (LOS E), and Mesa College Drive (LOS D).

Mesa College Drive

Mesa College Drive is a four-lane major street. It carries about 20,000 to 28,000 vehicles per day with a width of about 66 feet west of Linda Vista Road and 82 feet from Linda Vista Road to State Route 163. It connects the campus of Mesa College to State Route 163 and to Interstate 805. Business, school, government, park land, and residential uses are served by Mesa College Drive. Parking is allowed west of Ashford Street. Traffic signals operate at the intersections with Armstrong Street, Ashford Street, Linda Vista Road, and the northbound off-ramp from State Route 163. Significant delay occurs in the evening at the intersection with Linda Vista Road (LOS D).

Morena Boulevard

Morena Boulevard functions as a three-lane collector street with two travel lanes and a center turn lane for most of the distance between Tecolote Road and the southerly intersection with West Morena Boulevard. It becomes a five-lane major street (two lanes southbound and three lanes northbound) from West Morena Boulevard to Linda Vista Road and a four-lane major street from there to Interstate 8. It carries about 18,000 vehicles per day from Tecolote Road to West Morena Boulevard with a width of about 64 feet; 30,000 vehicles per day from West Morena Boulevard to Linda Vista Road with a varying width of 82-86 feet; and 35,000 vehicles per day south of Linda Vista Road with a width of about 52 feet. Businesses are served along the entire length of Morena Boulevard.

On-street parking is permitted from Viola Street to Morena Place but is limited due to extensive driveways which allow off-street parking to back directly into the street. Bicycle lanes exist from West Morena Boulevard to Viola Street.

Traffic signals are located at the intersections with Tecolote Road, Buenos Avenue, West Morena Boulevard, Napa Street/Sherman Street, and Linda Vista Road.

Napa Street

Napa Street functions as a four-lane collector street between Friars Road and Morena Boulevard. It carries about 22,000 vehicles per day from Morena Boulevard to Linda Vista Road with a width of only 40 feet and about 12,000 vehicles per day from Linda Vista Road to Friars Road with a varying width of 76-82 feet. The fronting properties are businesses, the Western Division Police Substation, and the Linda Vista/Morena Trolley Station. Parking is not allowed between Linda Vista Road and Morena Boulevard due to the narrow roadway width.

Traffic signals are located at the intersections with Morena Boulevard, Linda Vista Road, Riley Street, and Friars Road. Significant congestion occurs in the evening at the intersection with Linda Vista Road (LOS F).

State Route 163

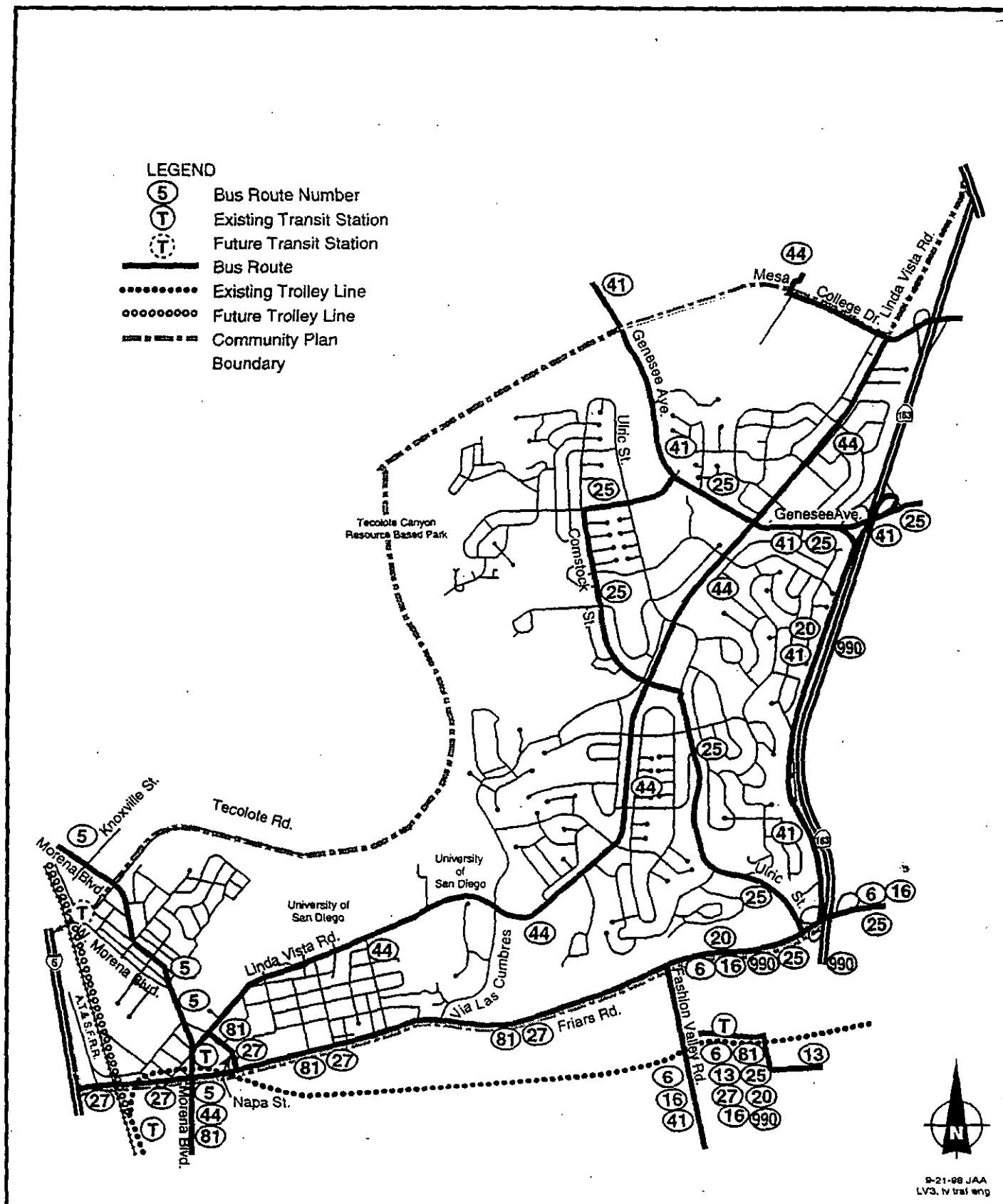
Highway Route 163 is an eight-lane freeway which serves the Linda Vista community with freeway access at Friars Road and Genesee Avenue for both north and southbound access, and at Mesa College Drive with southbound on and northbound off-ramps only.

Significant congestion occurs in the evening at the southbound off-ramp intersection with Friars Road (LOS E). The freeway section between Friars Road and Mesa College Drive also experiences significant congestion (LOS F).

Traffic signals operate at the Friars Road southbound on- and off-ramps at Ulric Street; at the Genesee Avenue southbound off-ramp, the northbound on- and off-ramps, and at the Mesa College Drive northbound off-ramp.

Ulric Street

Ulric Street operates as a four-lane major street from Friars Road to Tait Street; a two-lane collector with a center turn lane from Tait Street to Linda Vista Road; and a two-lane collector street from Linda Vista Road to Osler Street. It carries about 12,000 vehicles per day from Friars Road to the southbound State Route 163 on-ramp, 20,000 vehicles per day to Tait Street, and 10,000 vehicles per day to



Transit Service

Linda Vista Community Planning Area

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Figure

20

Linda Vista Road with a varying width of 58-76 feet. It carries about 7,000 vehicles per day west of Linda Vista Road with a width of about 40 feet. The areas south of Comstock Street and north of Eastman Street are residential while the area in-between is mostly commercial but with some residential use. Parking is allowed between Comstock Street and its western end. Bike lanes exist between Friars Road and Linda Vista Road. Traffic signals operate at the intersections with Friars Road, Fashion Hills Boulevard, Tait Street, Comstock Street, and Linda Vista Road. Significant congestion occurs in the evening at the intersection with Friars Road (LOS E).

Via Las Cumbres

Via Las Cumbres currently operates as a three-lane collector street (two lanes northbound and one lane southbound) from Friars Road to Linda Vista Road and a two-lane collector street north of Linda Vista Road. It carries about 12,000 vehicles per day from Friars Road to Linda Vista Road with a width of about 64 feet. It carries about 3,000 vehicles per day north of Linda Vista Road with a width of about 40 feet. The abutting property is generally residential except for some commercial use at the intersection with Friars Road and school uses at the intersection with Linda Vista Road. Parking is allowed except near Linda Vista Road. Bike lanes are in place from Friars Road to Linda Vista Road. Traffic signals exist at the intersections with Friars Road and Linda Vista Road. Minimal congestion occurs at these intersections.

West Morena Boulevard

West Morena Boulevard operates as a five-lane major street with two lanes northbound and three lanes southbound from the northern community boundary (Tecolote Road) to the southerly intersection with Morena Boulevard. It carries about 12,000 vehicles per day with a width of about 94 feet. The fronting property is commercial and parking is allowed. Traffic signals exist at the intersections with Vega Street, Buenos Street, and Morena Boulevard. Minimal congestion occurs at these intersections.

Mass Transit

The San Diego Metropolitan Transit System (MTS) operates the system of buses and the trolley or Light Rail Transit (LRT). They are overseen by the Metropolitan Transit Development Board (MTDB). Figure 20 shows the existing transit system service.

Bus. The Linda Vista community is served by bus routes 5, 25, 27, 41, 44, and 81. A bus transit station is located in the Fashion Valley Shopping Center which provides connecting service to bus routes 6, 13, 16, and 20, as well as the Mission Valley trolley line. Bus routes 5, 27, 44, and 81 provide stops within a short walking distance to the trolley station at Friars Road and Napa Street.

Future Conditions

Forecast Model

The travel forecast model used for the Linda Vista Community Plan Update is a calibrated subarea model based on the San Diego Association of Governments (SANDAG) Series 8 Regional Transportation Model. The SANDAG model has land use, population, and employment data estimated for the year 2015. The Regional Transportation Network expected to be in place is included in the model. The City adjusts the model with the circulation system and land uses recommended by the Linda Vista Community Plan. The future traffic volumes are shown on Figure 23.

Roadway Segments

Roadway segments that exceed the maximum desirable traffic volume derived from the City's Traffic Impact Study Manual are highlighted on Figure 23 and are listed below.

- Morena Boulevard from Knoxville Street to West Morena Boulevard
- Morena Boulevard from Linda Vista Road to I-8
- Pacific Highway from Sea World Drive to Taylor Street
- Napa Street from Morena Boulevard to Linda Vista Road
- Via Las Cumbres from Friars Road to Linda Vista Road

Intersections

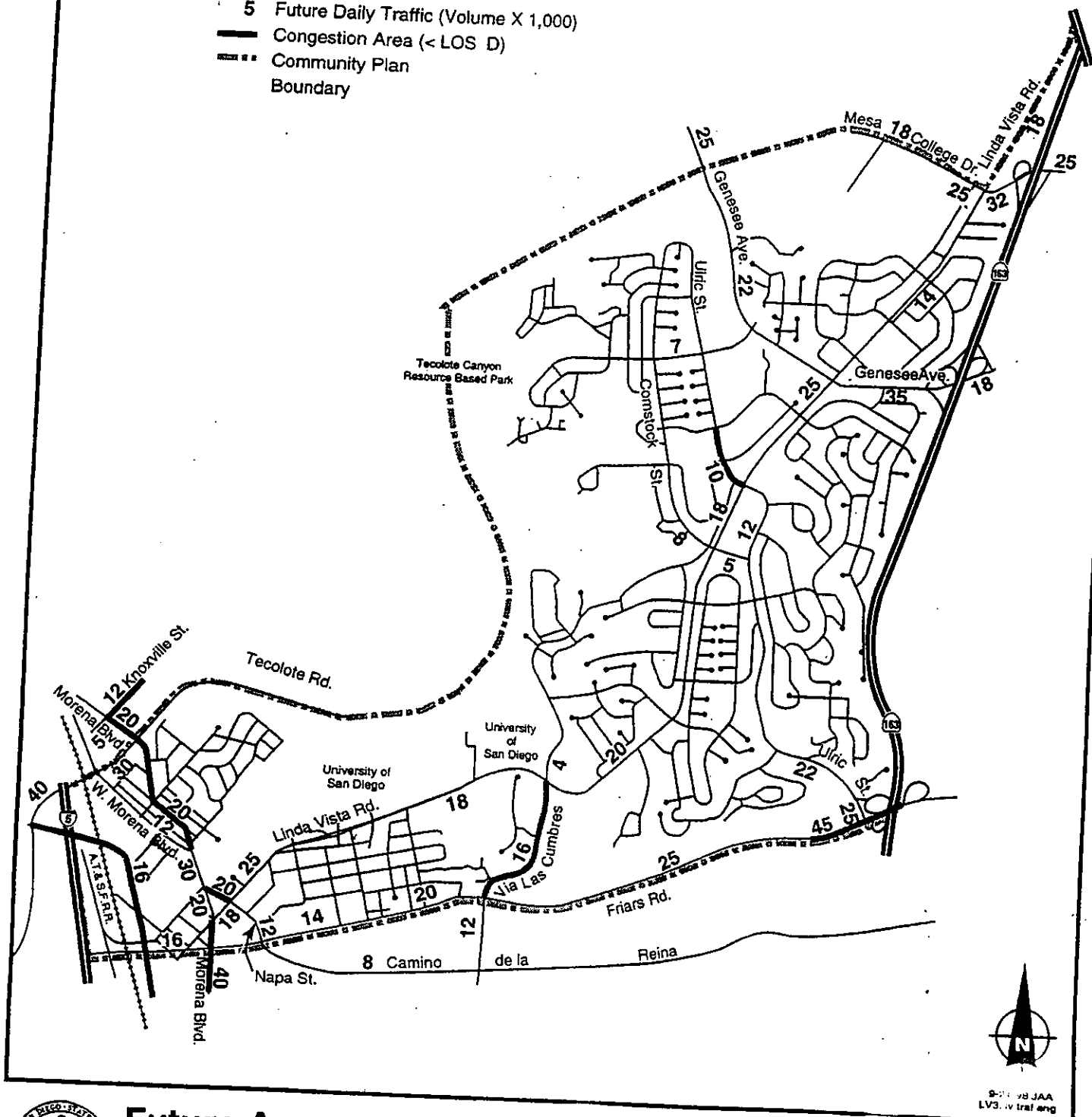
Future intersection levels-of-service for those intersections with a LOS D or worse are shown on Figure 24. Intersections operating at LOS E or F are in need of improvements to the existing intersection layout and traffic signal system to mitigate the high forecasted traffic volumes.

Intersections which are forecasted to experience significant congestion in the future during the evening peak hour of traffic are listed below.

- Linda Vista Road at Mesa College Drive (LOS F)
- Linda Vista Road at Genesee Avenue (LOS D)
- Morena Boulevard at Tecolote Road (LOS F)
- Tecolote Road at the northbound I-5 ramps (LOS F)
- Sea World Drive at the southbound I-5 ramps (LOS F)

LEGEND

- 5 Future Daily Traffic (Volume X 1,000)
- Congestion Area (< LOS D)
- Community Plan Boundary



Future Average Daily Traffic Volumes Linda Vista Community Planning Area

City of San Diego • Community and Economic Development

9-01 JAA
LV3, v. 1.0

Figure

23

GOALS

1. Limit traffic congestion by designating appropriate land uses and intensity of residential, commercial, and industrial development within the community.
2. Maintain and improve the street system to enhance traffic flow.
3. Promote the use of transit and shuttle service.
4. Provide safe and pleasant pedestrian walkways and bikeways to connect residential neighborhoods, schools, parks, and commercial areas.
5. Provide adequate parking facilities.
6. Provide street landscaping along the major streets and at community entrances.

POLICIES

1. Maintain at least the existing level of bus service, and encourage the major educational institutions to supplement public transit with shuttle service.
2. Require parking in accordance with City-wide standards for new commercial and residential development. Reduce the parking requirement for industrial development.
3. The City should improve the road network by modifying congested intersections and street segments where feasible. All road improvements shall include sidewalks and landscaping.
4. Improve the signage connecting Interstate 5 and the Morena area.
5. Where possible, street medians and excess right-of-way should be enhanced with landscaping, hardscape, public art, or other amenities.

SPECIFIC PROPOSALS

The following roadway segments should be improved to meet the future traffic demand, improve traffic flow, and reduce delay and congestion.

1. **Napa Street.** Napa Street between Linda Vista Road and Morena Boulevard should be widened to a modified four-lane collector street. This would require the widening of Napa Street to provide two westbound lanes, one eastbound left-turn lane, one left turn/through lane, one eastbound through lane, and bike lanes but no center median.



Selected Signalized Intersection
Future Level-of-Service (P.M. Peak Hour)
Linda Vista Community Planning Area
 City of San Diego • Community and Economic Development

Figure
24

2. **Ulric Street.** Widen between Linda Vista Road and Fulton Street to a two-lane collector street with a center turn lane.
3. **Via Las Cumbres.** Restripe Via Las Cumbres from Friars Road to Linda Vista Road to provide four through lanes and designate this section for Class II bike lanes where parking is prohibited and a Class III bike route where parking is allowed.
4. **Genesee Avenue.** Widen Genesee Avenue from Osler Street to north of Marlesta Drive to provide four through lanes as a four-lane major street.

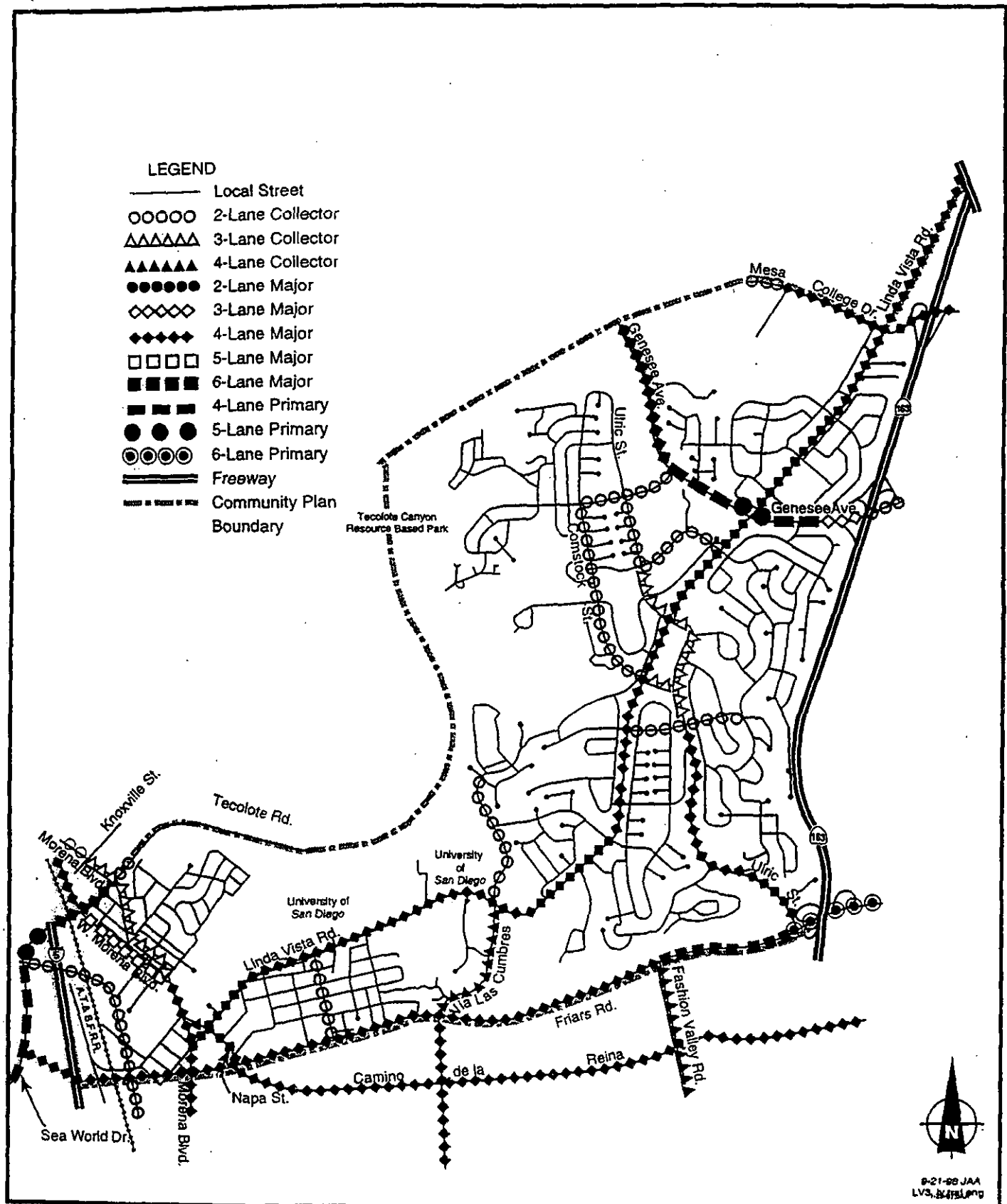
The following intersections should be improved to accommodate traffic flow and reduce delay and congestion. Operational improvements, such as striping and placement of signals are subject to change over time.

6. **Linda Vista Road at Mesa College Drive.** Widen Linda Vista Road to provide an exclusive southbound right-turn lane. Restripe Mesa College Drive to provide an exclusive westbound right-turn lane.
7. **Linda Vista Road at Genesee Avenue.** Restripe Genesee Avenue to provide an exclusive eastbound right-turn lane. Widen Linda Vista Road to provide an exclusive northbound right-turn lane. Lengthen the Genesee Avenue westbound left-turn lanes to 300 feet of vehicle storage length.
8. **Linda Vista Road at Napa Street.** Widen Linda Vista Road to provide an exclusive right-turn lane for southbound traffic. Widen Napa Street west of Linda Vista Road to provide one eastbound left-turn lane, one optional left-turn or through-lane, one eastbound through lane, two westbound through lanes, and bike lanes but no parking allowed.
9. **Morena Boulevard at Tecolote Road.** Widen Morena Boulevard north of Tecolote Road including the bridge over Tecolote Creek, to provide two northbound lanes, one southbound left-turn lane, one southbound through/right turn lane, and an exclusive southbound right-turn lane. Restripe and/or widen Morena Boulevard south of Tecolote Road to include two northbound left-turn lanes, one northbound through lane and a shared northbound through/right-turn lane, and one southbound through lane.

Improvements to Genesee Avenue and Mesa College Drive should be designed to comply with the City's Multiple Species Conservation Plan. Based on the goals discussed above, the future traffic forecast volumes, and the recommended transportation improvements, the recommended future street classifications are shown on Figure 25.

Other proposals are as follows:

10. Install landscaping, public art, and/or neighborhood identification signage on the two triangular asphalt islands at the juncture of Morena and West Morena Boulevards. Remove unnecessary medians on the east side of West Morena Boulevard. Where sufficient right-of-way exists, widen sidewalks along Morena and West Morena Streets to allow room for street trees.
11. Examine whether alternative on-street parking can be provided in the Morena area.
12. Rename either Morena Boulevard or West Morena Boulevard to reduce confusion.
13. If additional development intensity above that permitted by this community plan is approved in the Morena area, fees should be assessed for the widening of the Morena Boulevard bridge over Friars Road.
14. Require commercial development along transit routes to provide landscaping and passenger waiting areas at transit stops within the public right-of-way.
15. Require that commercial development projects provide an appropriate number of bicycle racks.
16. Residents of the Silver Terrace neighborhood may pursue initiating a permit parking system to reduce the impacts of on-street parking by students attending schools in the area.
17. Modify the supplemental and campus impact requirements as identified in the Residential Element.
18. Design the Tecolote LRT Station to maximize pedestrian and bus access to Mission Bay and the Morena Shopping Quarter.
19. Adequately landscape the Mid-Coast LRT/Coaster rail corridor.
20. Connect Knoxville Street to West Morena Boulevard in the Clairemont Mesa community to provide a connection to Interstate 5 so that through traffic and truck traffic do not need to use Morena Boulevard to access the I-5 freeway. This should occur in conjunction with the Morena Boulevard widening (Specific Proposal 9).
21. Conduct a sign study and correct any confusing signage leading motorists to Interstate 5 from the Morena area.



Future Street Classifications

Linda Vista Community Planning Area

City of San Diego • Community and Economic Development

Figure

25

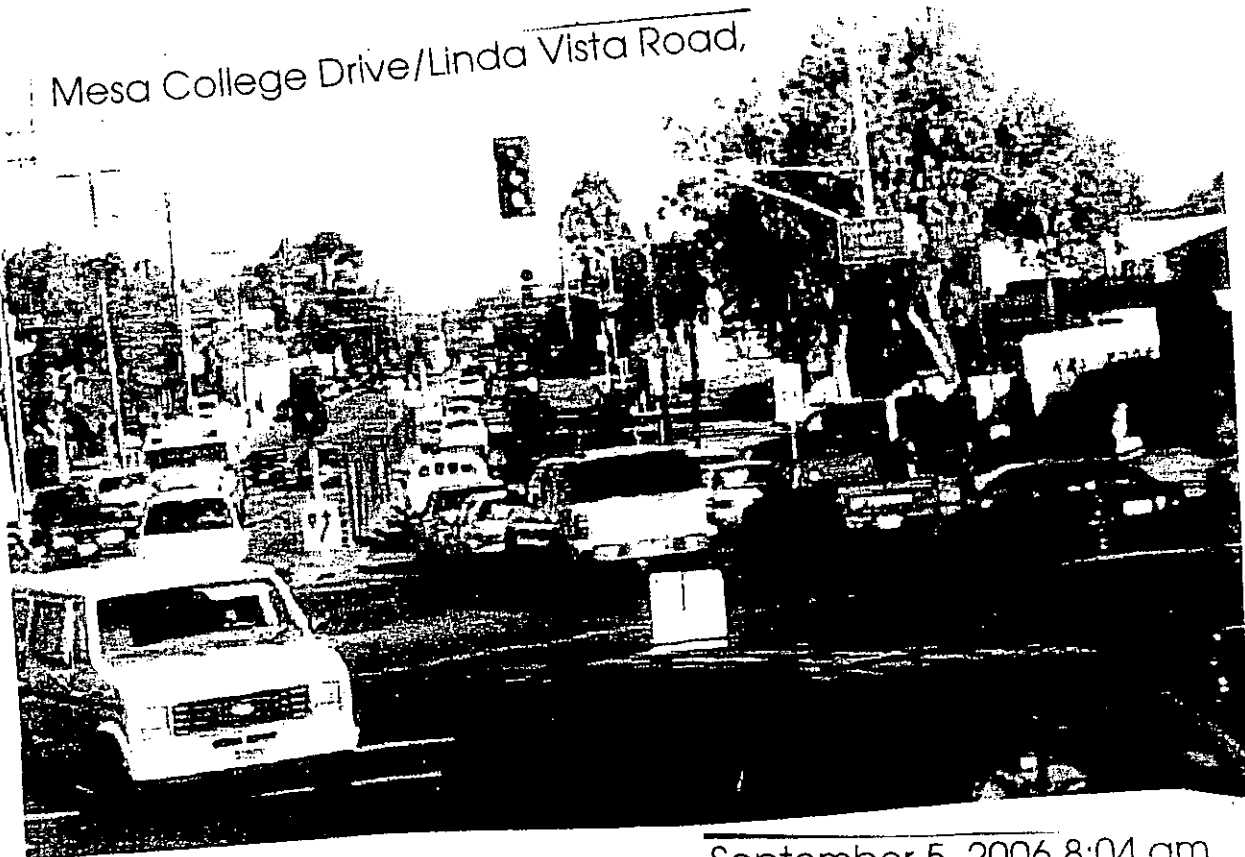
ACTION PLAN							
	On-Going	Adopt With Plan	Within 2 Years	Within 5 Years	Responsibility for implementation	Source of Funding	See for More Detail
Connect Knoxville Street				•	Public Works Department	Capital Improvements Program	Specific Proposal 20
Conduct design study of Morena Boulevard			•		Public Works Department	City	Policy 4, Specific Proposals 1, 10, 12, and 21
Improve asphalt islands				•	Morena Shopping Quarter, City	Possible assessment or BID; other	Specific Proposal 10
Rename Morena or West Morena Boulevard				•	Morena Shopping Quarter, City	Unknown	Specific Proposal 12
Widen portion of Ulric Street	•				Developer	Private	Specific Proposal 3
Widen/restripe various roadway segments	•				Public Works Department	City	Specific Proposals 1-9
Pursue permit parking district			•		Residents	N/A	Specific Proposal 16
Modify parking requirements		•			City	N/A	Specific Proposal 17
Design and landscape rail corridors and station			•		MTDB, City	Unknown	Specific Proposals 18 and 19

000417



*grid lock
traffic congestion, blocked intersections
sitting through multiple traffic signals
standstill, frustration, anxiety
pollution*

Mesa College Drive/Linda Vista Road,



September 5, 2006 8:04 am

*Kearny Mesa Park's Northern Gateway
A place of peace and play under a canopy of shade trees
Bulldozed*

000418

